

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re:	Application No. 10/714,233)	
)	
Filed:	November 14, 2003)	<i>Confirmation No. 2477</i>
)	
Applicant:	Don G. BARTELL)	
)	
Title:	INTEGRATED FLEXIBLE DISPLAY AND SPEAKER APPARATUS AND METHOD)	
)	
Art Unit:	2615)	
)	
Examiner:	Corey P. CHAU)	
)	
)	
Attorney Docket:	CML00844T (78933))	
)	
Customer No.:	22242)	

This Appeal Brief was electronically
filed using the USPTO's EFS-Web.

RESPONSE TO NON-COMPLIANT APPEAL BRIEF

Mail Stop APPEAL BRIEF -- PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action dated August 17, 2006, as entered in the above-captioned matter, the applicants' Appeal Brief was identified as defective for failing to contain a statement regarding the status of all claims, and for failure to provide an appropriate summary of claimed subject matter. The due date for filing this response is being extended by request for extension of time to and including October 17, 2006.

The included substitute Appeal Brief has a revised section 3 (Status of Claims) which now identifies claims 2 and 7 as being cancelled and no longer presented for consideration.

Application No. 10/714,233

RESPONSE TO NON-COMPLIANT APPEAL BRIEF dated October 10, 2006

Reply to Office Action dated August 17, 2006

As for the summary section, the following specific basis for this rejection was set forth as follows:

“Subject matter that separately maps all independent claims on appeal to referring specification by page and line number or paragraph number and/or drawings, if any.”

The applicant has carefully reviewed the summary section and, with all due respect, finds the present text to be fully compliant with the requirements of 37 C.F.R. §41.37. Particular reference was made by the Examiner with respect to the requirements of 35 C.F.R. §41.37(c)(1)(v). That section first requires:

A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawings, if any, by reference characters.

This is exactly what the present summary section in the Appeal Brief provides. The subject matter of the independent claims is presented, in prose format, including references to the specification by page and line number (via corresponding footnotes) as well as reference characters. As to the latter requirement, the summary section even includes presentations of the figures that are referred to in this way.

This portion of the Code of Federal Regulations then provides as follows:

For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. §112, 6th paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

There are no independent or dependent claims being presented for argument that include a means plus function or step plus function recitation. Therefore, this section of 35 C.F.R. §41.37(c)(1)(v) is not applicable.

Application No. 10/714,233

RESPONSE TO NON-COMPLIANT APPEAL BRIEF dated October 10, 2006

Reply to Office Action dated August 17, 2006

There are no other specific requirements set forth in the Code of Federal Regulations. In particular, there is no requirement that the summary include a "map" as is suggested by the Examiner. The applicant therefore respectfully submits that the summary of claimed subject matter section of the substitute Appeal Brief is fully compliant with the requirements of the Code of Federal Regulations and is in suitable condition to support consideration by the Board.

Respectfully submitted,

By: 

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Date: October 10, 2006

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